

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

10 David H. Busch, Jr., }
11 Plaintiff, } No. CV-04-0425-PHX-PGR
12 vs. }
13 Seahawk Software Development, }
14 L.L.C., et al., }
15 Defendants. }

ORDER

16 The Court entered an order (doc. #20) on November 3, 2005 that denied the
17 plaintiff's one-sentence Motion for Hearing on Judgment Damages and Injunctive Relief
18 as premature and required the plaintiff to file a motion for default judgment, together
19 with a memorandum of points and authorities, no later than November 30, 2005. The
20 order specifically listed eight areas the Court wanted the plaintiff to discuss in his
21 memorandum of points and authorities. On November 17, 2005, the plaintiff filed a one-
22 sentence Motion for Default Judgment that was inexplicably unaccompanied by any
23 memorandum of points and authorities.¹ Since the Court cannot, and will not, proceed
24 any further on the plaintiff's request for a default judgment until the required default
25 judgment memorandum is filed, the Court will give the plaintiff until December 19, 2005
26 in which to file the memorandum required by the Court's order of November 3rd. The

28 The Court notes that not only did the Court's order expressly require a memorandum
of points and authorities, such a memorandum is required in any case by Fed.R.Civ.P. 7(b)(1)
and LRCiv 7.2(b).

1 plaintiff is advised that his failure to comply with this order may result in the imposition of
2 an appropriate sanction against him and/or his counsel, which sanction may include the
3 dismissal of this action pursuant to Fed.R.Civ.P. 41(b). Therefore,

4 IT IS ORDERED that the plaintiff shall file a memorandum of points and
5 authorities in support of his Motion for Default Judgment no later than **December 19,**
6 **2005.** The memorandum of points and authorities shall comply with all of the
7 requirements of the Court's order entered on November 3, 2005.

8 DATED this 1st day of December, 2005.

Paul G. Rosenblatt
United States District Judge